THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :23278 of 2007

DATED:07-11-2007

BETWEEN:

Paturu Lakshmamma & 3 others.

..... PETITIONERS

AND

The District Collector,
Kadapa District & 2 others.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioners as well as the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioners seek a writ of mandamus declaring the action of the respondents in issuing the impugned notices, dated 18-06-2007 (Ex.P1) vide proceedings Ref.B/750/2007 and Ref.E.246/2007, dated 18-10-2007 paper publication in 'Andhra Jyothi' Telugu Daily (Ex.P2) without following due process of law, as illegal, and arbitrary.

3. It is the case of the petitioners that the 1st petitioner purchased an extent of Ac.5.00 in Sy.No.1027/3 situated at Ukkayapalli village from the original assignee-Putta Jayaramireddy, and another extent of Ac.0.23 cents was purchased out of the assigned land of an extent of Ac.1.17 cents in Sy.No.1001/1 from the original assignee-Srilakshmidevi in 1973. Whileso, the said Jayaramireddy filed O.S.No.136 of 1999 on the file of the Principal Junior Civil Judge, Kadapa not to interfere with his peaceful possession and enjoyment but the said suit was dismissed on 30-07-2004 against which A.S.No.86 of 2004 has been filed on the file of the Principal District Judge, Kadapa and the same was also dismissed. While so, the 3rd respondent-Tahsildar, Kadapa issued a notice, dated 18-06-2007, to the original assignee on the ground

that the said land is required for house sites under the scheme of 'Rajiv Swagruha' but no notice has been issued in favour of the purchaser as contemplated under the provisions of the A.P.Assigned Lands (Prohibition of Transfers) Act, 1977 (for brevity, 'the Act'). It is stated that paper notification has been issued vide Ref.No.E246/2007, dated 16-10-2007, stating that the assignees are entitled to ex-gratia as per G.O.Ms.No.1307 Revenue (Assn-I) department, dated 23-12-1993, and the notice, dated 18-06-2007, calling upon objections for resumption of the said land to use the same for the public purpose has been issued, but some of the assignees refused to receive the notice and therefore they have affixed on the land and thereafter resumption orders have been passed in proceedings No.E-246/2007, dated 15-10-2007, informing the assignees that they are entitled to exgratia.

4. It is the case of the petitioners that they have not been served any notice and even final orders also have not been furnished to them. Against the orders passed by the 3rd respondent resuming the lands, appeal is maintainable. Any person aggrieved by the order of the Mandal Revenue Officer or the Tahsildar is entitled to file an appeal under
Section 4-A(1) of the Act before the Revenue Divisional Officer.

5. Having regard to the facts and circumstances of the case, without expressing any opinion on the merits of the case, as the said order is an appealable order, Writ Petition is disposed of permitting the petitioners to file an appeal against the said order of the 3rd respondent-Tahsildar, Kadapa, dated 15-10-2007, in proceedings No.E-246/2007 insofar as the lands said to have been purchased by the petitioners within two weeks from the date of receipt of a copy of this order and if any such appeal is filed the

2nd respondent-Revenue Divisional Officer, Kadapa is directed to consider and dispose of the same in accordance with law. Till then, *status quo* as ordered by this Court on 02-11-2007, shall be maintained. No costs.

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V.ESWARAIAH,J

07th November, 2007.
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